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PATENT
Docket N . 1018/9L

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Gaffney et al.

Serial No.: 10/087,702

Group Art Unit: 2854

Filing Date: February 28, 2002

Examiner: Funk, S.

For: OFFSET LITHOGRAPHIC PRINTING
PRESS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the
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Date: 7/3/03

Signature: H. Levenson

DECLARATION UNDER 37 C.F.R. § 1.132

I, Harvey Robert Levenson, Ph.D., declare:

1. This declaration is submitted in response to the position of the Examiner that pending claims 1 to 8 of patent application Serial No. 10/087,702 are not supported by a written description in earlier filed application Serial No. 07/417,587 (the "ancestor application") due to the recitation of a printing plate "wrapped around" the plate cylinder, and the printing plate having "opposite ends."

2. A plate is a flat, rectangular sheet of metal that is wrapped around a plate cylinder and is clamped into position. In my opinion, for the reasons appearing below, the ancestor application clearly and reasonably conveys to the person of ordinary skill in the art that the applicants, at the time of filing of the ancestor application, were in possession of a printing

plate having opposite ends and wrapped around a plate cylinder. It is also my opinion that opposite ends is an inherent property of printing plates and that being wrapped around a printing cylinder is an inherent property of a printing plate mounted on a printing cylinder.

I. Qualifications

3. I am presently a Professor at California Polytechnic State University (Cal Poly) in San Luis Obispo, Calif. and Department Head of its Graphic Communication Department. I have been involved in the printing industry for approximately 42 years during which I studied printing and held positions with professional organizations in advertising, commercial printing, research, and education. I have four degrees, three of which focus on printing technology and management, and one on communication. I hold a Ph.D. in Rhetoric and Communication from the University of Pittsburgh, a Master of Science degree in Printing from South Dakota State University, a Bachelor of Science degree in Printing from the Rochester Institute of Technology, and an Associates of Applied Science degree in Graphic Arts and Advertising Technology from New York City Community College (now known as New York City College of Technology). My educational and professional background is detailed further in my *curriculum vitae*, attached hereto as Exhibit A.

II. The meaning of "printing plate" from October 1989 to the present day

4. A person of ordinary skill in the art pertaining to the patent applications at issue typically would have had a Bachelor of Science degree in technical disciplines, such as mechanical or chemical engineering, industrial technology, printing or related disciplines, and related job experience of approximately 5 years.

5. By way of background, offset lithographic printing presses produce images from a planographic image carrier, known as a printing plate, which transfers an image to an offset lithographic blanket. The blanket then transfers the image to a substrate, typically paper.

6. In October, 1989 and up to the present day, offset lithographic printing plates have been in the form of flat, thin, rectangular sheets having opposite ends. In use, the plate is mounted to the surface of a plate cylinder of a printing unit of a printing press. To mount the flat plate on the surface of the plate cylinder, one must necessarily wrap the plate around the cylinder. Typically the opposite ends of the printing plate are clamped in a clamping gap running axially along the surface of the cylinder.

7. According to a 1989-dated printing manual, the printing couple on a blanket-to-blanket web offset lithographic press includes "[a] plate cylinder, on which the plate is mounted. The plate is a thin metal sheet that wraps around the cylinder surface and carries the image." David B. Crouse & Robert J. Schneider, Jr., *Web Offset Press Operating* 15 (3d ed. 1989) (Exhibit B). The plate has a leading edge and a trailing edge, which are clamped in a lockup mechanism housed in a deep gap running across the cylinder. *Id.* at 16-17.

8. U.S. Patent No. Re 34,970 to Tittgemeyer teaches an endless image carrier as an alternative to the conventional flat plate. See Exhibit C. Tittgemeyer studiously avoids using the word "plate" to refer to its endless image carrier. Instead, Tittgemeyer uses the terms "print form" and "printing form" as a generic designation for image carrier, and "plate" for the flat, clamped plates of the prior art:

In offset printing processes, plates mounted on carrier cylinders fixedly installed in a printing unit are used. Clamping segments extended through the carrier cylinder are used to mount the plates. The plates begin and end within the extent of these clamping segments, accordingly the print carrier location corresponding to an

end or a beginning of the printing form is recognizable. (Col. 1, ll. 27-33.)

In one disclosed embodiment, the endless image carrier of Tittgemeyer is sleeve-shaped.

Tittgemeyer refers to that embodiment as a "sleeve" or "sleeve-shaped printing [or print] form," but never as a "plate." In an alternative embodiment, the image carrier is a cylinder jacket, or shell. (See Tittgemeyer Figure 6.) Tittgemeyer never refers to that embodiment as a "plate," either.

9. In view of the foregoing and based on my 42 years of experience in the printing industry, it is my opinion that the term "printing plate" had a recognized meaning in the lithographic printing art in October 1989: a thin, flat, rectangular sheet-shaped lithographic image carrier having opposite ends. It is my further opinion that in October 1989, and up to the present day, a person of ordinary skill in the art would know that mounting a printing plate on a plate cylinder necessarily entails wrapping the plate around the cylinder. It is further my opinion that in October 1989, and up to the present day, opposite ends and being wrapped around a printing cylinder would be considered inherent properties of a printing plate mounted on a printing cylinder

III. The ancestor application clearly and reasonably conveys to a skilled person that the applicants were in possession of a printing plate having opposite ends and wrapped around a plate cylinder

10. With the foregoing in mind, I turn to the disclosures of the ancestor application. U.S. Patent Application No. 07/417,587 discloses an offset printing press in which "[u]pper and lower plate cylinders 22 and 24 support printing plates." ('587 Application at 6.) To a person of skill in the art, this disclosure of "printing plates" clearly and reasonably conveys to the skilled person that the applicants were in possession of a printing plate having opposite ends, because that is and was the art-recognized meaning of the term "printing plate."

11. Figure 1 of the '587 application shows plate cylinders 22 and 24. The surface of the printing plate mounted on cylinder 22 is indicated by reference numeral 42. Figure 1 and the disclosure that "[u]pper and lower plate cylinders 22 and 24 support printing plates" clearly and reasonably conveys to a person of ordinary skill in the art that the plate in the inventors' possession is mounted on the plate cylinder, which necessarily entails wrapping the plate around the cylinder.

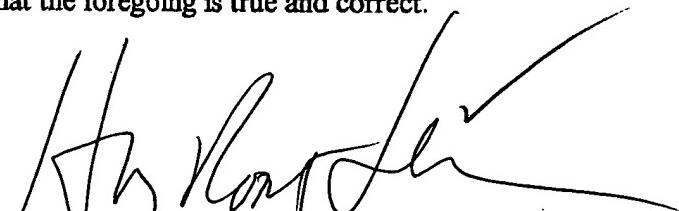
12. Accordingly, in my opinion, the '587 application clearly and reasonably conveys to the skilled person that the applicants were in possession of a printing plate having opposite ends and wrapped around a plate cylinder.

VI. Conclusion

13. In sum, it is my opinion that Patent Application 07/417,587 clearly and reasonably conveys to the person of ordinary skill in the art that (1) the applicants were in possession of a printing plate having opposite ends and wrapped around a plate cylinder and (2) opposite ends and being wrapped around a printing cylinder are inherent properties of a printing plate mounted on a printing cylinder

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 6/23/03



Harvey Robert Levenson, Ph.D.